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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,019	12/16/2003	Charles M. Mettler	PSSIP0115US	5594
23908	7590	01/13/2006	EXAMINER	
RENNER OTTO BOISSELLE & SKLAR, LLP			STERLING, AMY JO	
1621 EUCLID AVENUE			ART UNIT	
NINETEENTH FLOOR			PAPER NUMBER	
CLEVELAND, OH 44115			3632	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/737,019

Applicant(s)

METTLER ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 11-20, 22-25, 27-30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-37 is/are allowed.
- 6) ☒ Claim(s) 1-4, 22-25, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8, 11-20, 27, 28 and 32-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a non-final Office Action for application number 10/737,019 Base Support for Post or Other Upright, filed on 12/16/03. Claims 1-6, 8, 11-20, 22-25, 27-30 and 32-37 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/05 has been entered.

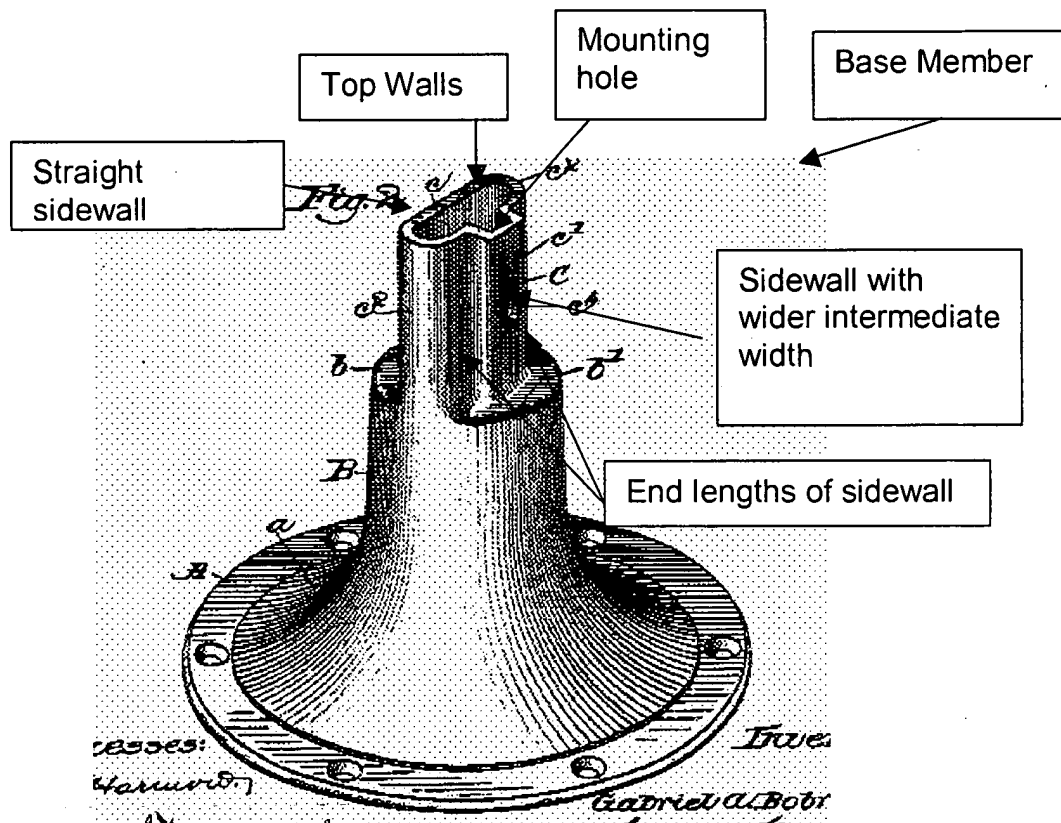
Claim Rejections - 35 USC § 102

Claims 1-4 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. D26715 to Bobrick.

The patent to Bobrick discloses a base support for supporting an elongated member in a substantially upright position comprising a base member (C) having a greater length than width and bottom (b1) and top walls and non-symmetrical opposite side walls (c1, c) one of the side walls having an intermediate length that is straight and in the same plane throughout its length and height, and the other of the side walls having an intermediate length that is spaced further from the plane of the

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intermediate length of the one side wall than end lengths of the other side wall to provide the base member with a wider intermediate width than end widths (c2), and a substantially square mounting hole extending through the top wall and completely through the base member (C) in the wider intermediate width for closely receiving an end portion of an elongated member to maintain the elongated member in a substantially upright position when the base member is placed on a generally horizontal support surface, the mounting hole having a width that extends widthwise outwardly beyond the end lengths of the other side wall, wherein the end lengths of the other side wall are in alignment with each other in a spaced relation from the intermediate length and the mounting hole has a center axis that extends in a direction perpendicular to an intermediate length of the top wall and is in the same plane as the end lengths of the other side wall which is perpendicular to the intermediate length of the top wall. Bobrick discloses wherein the intermediate length has outwardly angled end portions adjacent opposite sides of the mounting hole extending toward each other and wherein an intermediate length of the other side wall has a length which is substantially less than the intermediate length of the one side wall and extends laterally outwardly to provide the base member with an intermediate width at least twice as wide as the end widths.



Claims 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6041559 to Schickert et al.

Schickert et al. teaches a base support having spaced apart top and bottom walls and opposite side walls and a substantially square mounting hole extending through the base member between the top and bottom walls. The mounting hole having a plurality of laterally spaced longitudinally-extending ribs (46) having axially rounded end-portion

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adjacent to the top wall on all four sides of the mounting hole that are transversely rounded.

Claim Rejections - 35 USC § 103

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. D26715 to Bobrick as applied to claim 1 above and in view of 4596489 to Mariol et al.

Bobrick does not specifically teach that the material the device is made of molded plastic.

The patent to Mariol et al. teaches a molded plastic base support (See Col. 4 lines 39-45 and Col. 5, line 53, for material) used for its resilient and strength properties. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Mariol et al. to have made the device of molded plastic in order to have a resilient and strong device.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 5, 6, 8, 11-20, 27, 28 and 32-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 35-37 are allowed.

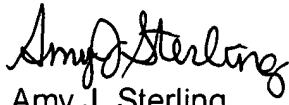
The reason is that the prior art does not teach wherein the mounting hole is substantially square shaped with four sides and has longitudinally extending ribs on all four sides and that the carrying handle extends axially from the exterior of one end portion of the intermediate length of the of the other side wall and along an exterior portion of one of the end length of the other side wall. The reason is that the prior art does not teach wherein the base member is substantially hollow and has a fill hole in one of the angled surfaces of the top wall adjacent one end or wherein one of the top and bottom walls has a plurality of axially spaced apart stacking ribs and the top and bottom walls has corresponding recesses or wherein the base member has solid opposite end portions that are substantially thinner than an intermediate length of the base member having anti-skid pads having a diameter greater than the width of the end portions and are attached to a the bottom wall at the end portions.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8

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a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
1/7/06